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*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,)	Case No. 4:20-cv-05640-YGR-TSH
)	
Plaintiff, Counter-defendant,)	PLAINTIFF EPIC GAMES, INC.'S
)	SUPPLEMENTAL LIST OF SUMMARY
v.)	EXHIBITS
)	
APPLE INC.,)	The Honorable Yvonne Gonzalez Rogers
)	
Defendant, Counterclaimant.)	
)	

PLAINTIFF EPIC GAMES, INC.'S SUPPLEMENTAL LIST OF SUMMARY EXHIBITS
Case No. 4:20-cv-05640-YGR-TSH

Pursuant to the Court's Standing Order Re: Pretrial Instructions in Civil Cases and the Court's Order Regarding Pretrial Schedule (Dkt. 377), Plaintiff and Counter-defendant Epic Games, Inc. ("Epic"), by and through its undersigned counsel, hereby submits its supplemental exhibit list regarding summary exhibits pursuant to Federal Rule of Evidence 1006. Plaintiff submits its summary exhibits using PX-1000 to PX-1093 and its responsive summary exhibits using PX-2944 to PX-2946. The parties are continuing to meet and confer regarding the admissibility of exhibits.

EPIC'S EXHIBIT LIST

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-1000	Estimate of Apple App Store Operating Margin Percentage - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 403; FRE 702; FRE 703	
PX-1001	Apple FY2018 10-K Reconciliation - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		Does not comport with FRE 1006	
PX-1002	eBay Inc. Consolidated Statement of Income - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	
PX-1003	Estimated Allocation of Additional OPEX to App Store - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		Does not comport with FRE 1006; FRE 403; FRE 702; FRE 703	
PX-1004	Etsy, Inc. Consolidated Statement of Operations - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-1005	MercadoLibre, Inc. Consolidated Statements of Income - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	
PX-1006	Operating Margin Percentages for Select Pure Online Marketplaces - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	
PX-1007	Rakuten, Inc. Income from Operations Internet Services Segment - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	
PX-1008	Alibaba Group Income from Operations Core Commerce Segment - Epic Summary Pursuant to Federal Rule of Evidence 1006	Barnes		FRE 402; FRE 802	
PX-1009	Figure 6: Fortnite Monthly Active Users by Platforms Played On Per Month - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602	
PX-1010	Figure 7: Fortnite Monthly Active Users by Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602	
PX-1011	Figure 8: Cross- Platform Weekly Active Users for Fortnite Players on Switch - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602	
PX-1012	Figure 9: Average Quarterly App Downloads per Active iOS Device, 2016-2020 - Epic Summary Pursuant to	Cragg		FRE 602; FRE 802; FRE 805	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Federal Rule of Evidence 1006				
PX-1013	Figure 10: Distribution of iOS App Downloads for U.S. Users, 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg			
PX-1014	Figure 11: App Store's EBIT Margin Versus Benchmark Companies - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 402; FRE 403; FRE 602; FRE 702; FRE 703; FRE 802; FRE 805	
PX-1015	Figure 12: Apple App Store's CAGR and EBIT Margin Versus Benchmarks - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 402; FRE 403; FRE 602; FRE 702; FRE 703; FRE 802; FRE 805	
PX-1016	Figure 13: Persistence in EBIT Profit Margins - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 402; FRE 403; FRE 602; FRE 702; FRE 703; FRE 802; FRE 805	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-1017	Figure 14: Commission Rates on All App Store Transactions, Including Sponsored Ads - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 702; FRE 703	
PX-1018	Figure 15: Commission Rates on App Store Initial Downloads, Including Sponsored Ads - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 702; FRE 703	
PX-1019	Figure 16: Top 10 App Store Apps for Keyword Query "Dropbox," January 2017 - December 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802	
PX-1020	Figure 17: Top 10 App Store Apps for Keyword Query "Onedrive," January 2017 – December 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802	
PX-1021	Table 1: U.S. Installed Base for iOS and Nintendo Switch, 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802; FRE 805; Does not comport with FRE 1006	
PX-1022	Figure 1: Fortnite Minutes Played by Platform Users who Played on Both iOS & Switch in June 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg			

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-1023	Figure 2: Fortnite Minutes Played by Platform Users who Played on Both iOS & Switch in June 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg			
PX-1024	Table 3: Statistical Test For A Change In Fortnite Play Time Associated With A Second Game Playing Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602	
PX-1025	Figure 4: 2020 US Video Game Revenue Breakdown and Total - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 802	
PX-1026	Figure 5: Relative Popularity of Video Game Genres and Categories Played on Different Platforms - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 802; FRE 805	
PX-1027	Table 4: Statistical Test For Complementary And Substitute Game Playing Platforms Among Fortnite Users - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 702; FRE 703; FRE 602	
PX-1028	Table 5: Summary of Hitt Exhibits 11, 9 and 12 (Millions of Users) - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006	
PX-1029	Table 6: Hardware Components of Mobile and Non-Mobile Devices - Epic	Cragg		FRE 602; FRE 802	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Summary Pursuant to Federal Rule of Evidence 1006				
PX-1030	Table 7: Popular Games by Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802; FRE 805	
PX-1031	Table 8: Comparison of Major Video Game Platforms - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802; FRE 805	
PX-1032	Table 9: Development Costs for Mobile and Non-Mobile Games - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802; FRE 805	
PX-1033	Table 10: Top PC Games with Mobile Cross-Play, February 2021 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 802; FRE 805	
PX-1034	Table 11: Percent of Fortnite Players Who Have Played on Each Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602	
PX-1035	Table 12: Percent of Fortnite Players Who Have Played on Multiple Platforms - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602	
PX-1036	Table 13: Top 10 Highest Grossing iOS Apps as a Percent of Total App Revenues, Fiscal Year 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg			

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-1037	Table 14: Top 10 iOS App Downloads as a Percent of All App Downloads, 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg			
PX-1038	Table 15: Apple App Store Financial Performance (2013-2020) - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 702; FRE 703	
PX-1039	Table 16: Effect of Adding a Second Platform On Original Platform Play Time (Log-Hours per Week) - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703	
PX-1040	Table 17: Effect of Adding a Second Platform on Total Play Time (Log-Hours per Week) - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703	
PX-1041	Table 18: Mobile Video Games Genres - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703; FRE 802; FRE 805	
PX-1042	Table 19: PC/Console Video Games Genres - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703;	

PLAINTIFF EPIC GAMES, INC.'S SUPPLEMENTAL LIST OF SUMMARY EXHIBITS

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Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
				FRE 802; FRE 805	
PX-1043	Table 20: Game Genres and Categories Played Across Platforms - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 802; FRE 805	
PX-1044	Table 21: App Store Comparable Companies - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 402; FRE 403; FRE 602; FRE 802; FRE 805	
PX-1045	Table 2: Summary Statistics of US Fortnite Players By Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602	
PX-1046	Analysis of Fortnite User Time Usage Behavior Following the Launch of Fortnite on Switch - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703; FRE 802	
PX-1047	App Store Apps, Total Apple Commissions, and Estimated Purchase Volume - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 702; FRE 703; FRE 802	
PX-1048	App Store Operating Margin - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802	
PX-1049	Apple App Store P&L, 2013-2020 - Epic Summary	Evans		Does not comport	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Pursuant to Federal Rule of Evidence 1006			with FRE 1006	
PX-1050	Apple Average U.S. Effective Commission Rate - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 702; FRE 703; FRE 802	
PX-1051	Change in iOS Fortnite Users Gameplay Time After Developer Account Termination - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
PX-1052	Change in iOS Fortnite Users Monetary Spending After Developer Account Termination - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
PX-1053	Feature Phones and Smartphones Share of Mobile Phone Units Sold, High Income Countries - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1054	Fortnite Users Play All or Nearly All of their Game Minutes on a Single Platform - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
PX-1055	IDC Data Summary Statistics - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 106; FRE 602; FRE 802	
PX-1056	Implied Average Price Increase Caused by Apples IAP Requirement for Online In-App Transactions at Alternative Diversion Rates - Epic Summary Pursuant to	Evans		Does not comport with FRE 1006; FRE 702; FRE 703	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Federal Rule of Evidence 1006				
PX-1057	iOS and Android Share of Smartphone App Revenue for the App Store and Google Play - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 702; FRE 703; FRE 802	
PX-1058	iOS and Android Share of Smartphone Revenue Summarized by Countries Level of Economic Development, Globally Excluding China - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1059	iOS and Android Share of Smartphone Revenue, Globally Excluding China - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1060	iOS Share of Smartphone Revenue for Smartphones Priced \$300 or More, Globally Excluding China - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1061	iOS Share of Smartphone Sales for Smartphones Priced \$300 or More - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1062	iOS Share of Smartphone Sales, Globally Excluding China - Epic Summary	Evans		FRE 602; FRE 802	

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Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Pursuant to Federal Rule of Evidence 1006				
PX-1063	iOS Share of Smartphone Sales - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1064	iPhone's Share From 2010 to 2019 in Different Regions - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1065	Analysis of Fortnite User Purchase Behavior Following the Launch of Fortnite on Switch - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 702; FRE 703; FRE 802	
PX-1066	Operating Margin (Percent) for Online Marketplaces, 2013-2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 702; FRE 703; FRE 802	
PX-1067	Operating Systems Share of Smartphone Revenue, Globally Excluding China - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1068	Percent of iOS and Android Unit Sales Accounted for by Handsets in Different Price Ranges During 2019, Globally Excluding China - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1069	Percentage of the Top 50 iOS Game Apps in Hitt's Exhibit 2 That Are Currently Available on Gaming Console Platforms - Epic	Evans		Does not comport with FRE 1006;	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
	Summary Pursuant to Federal Rule of Evidence 1006			FRE 702; FRE 703	
PX-1070	Proportion of Internet - Using Adults That Own a Smartphone, Spring 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006	
PX-1071	Proportion of iPhone Buyers During Apples 2020 FQ4 that Own and Use Other Apple Products - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1072	Proportion of iPhone Owners During Apples 2020 FQ1 that Use Apple Services - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1073	Proportion of iPhone Owners During Apples 2020 FQ4 that Own and Use Other Apple Products - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602; FRE 802	
PX-1074	Proportion of Mobile Internet Time Spent on Apps vs. Web Browsers, June 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802	
PX-1075	Proportion of Online Time Spent Using Mobile Devices, June 2019 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802	

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-1076	Proportion of Worldwide Internet Users Who Access App Categories Using Mobile Devices Only - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802	
PX-1077	R&D as a Percentage of Total Revenue Apple iTunes and Other Online Marketplaces - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 402; FRE 802	
PX-1078	Response of IAP Spenders to a 5 Percent Increase in IAP Prices - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 802; FRE 805	
PX-1079	Results from Difference in Differences Econometric Study of Fortnite Monetary Spending - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703; FRE 802	
PX-1080	Results from Difference in Differences Econometric Study of Fortnite Time Usage - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703; FRE 802	
PX-1081	Selected Online Marketplaces - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 402; FRE 602;	

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Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
				FRE 702; FRE 703; FRE 802; FRE 805	
PX-1082	Summary of Fortnite Time Usage by Device, September 12, 2017 - August 12, 2020 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 602	
PX-1083	Top 1 Percent of iOS Apps and Top 50 iOS Apps Shares of Downloads and Revenue - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		FRE 802	
PX-1084	Top Android App Stores in China - Epic Summary Pursuant to Federal Rule of Evidence 1006	Evans		Does not comport with FRE 1006; FRE 802	
PX-1085	Statistics on IAP Spending in Survey and Apple Transaction Data - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1086	Gender and Age Distribution of Initial Sample vs U.S. Census - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1087	Geographic Distribution of Initial Sample vs U.S. Census - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1088	Summary of Survey Results - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006;	

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Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
				FRE 802; FRE 805	
PX-1089	Switching Behavior - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1090	Summary of Initial Spending and Reduction - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1091	Distribution of iPhone Models - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1092	Education Distribution of Initial Sample vs U.S. Census - Epic Summary Pursuant to Federal Rule of Evidence 1006	Rossi		Does not comport with FRE 1006; FRE 802; FRE 805	
PX-1093	Figure 3: Global Revenue for Mobile, PC, and Console Game Playing, 2020 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		Does not comport with FRE 1006; FRE 602; FRE 702; FRE 703; FRE 802	
PX-2944	Total Worldwide Fortnite iOS Time Played, by User Accounts that Accessed Fortnite on an iOS device in June 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 703 (Expert analyses not disclosed during discovery); FRE 802	

PLAINTIFF EPIC GAMES, INC.'S SUPPLEMENTAL LIST OF SUMMARY EXHIBITS
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Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objections	Date Admitted
PX-2945	Total Worldwide Fortnite iOS Time Played, by User Accounts that Accessed Fortnite on an iOS device in June 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 602; FRE 703 (Expert analyses not disclosed during discovery); FRE 802	
PX-2946	Total Worldwide Fortnite iOS Time Played, by User Accounts that Accessed Fortnite on an iOS device in June 2018 - Epic Summary Pursuant to Federal Rule of Evidence 1006	Cragg		FRE 703 (Expert analyses not disclosed during discovery)	

1 DATE: April 25, 2021

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